

**STATE BOARD OF EDUCATION
ADMINISTRATIVE CODE
COMMENT/RESPONSE FORM**

This comment and response form contains comments from and since the December 6, 2017, meeting of the State Board of Education when the rulemaking was considered at Second Discussion Level.

Topic: Standards and Assessment

Meeting Date: January 3, 2018

Code Citation: N.J.A.C. 6A:8

Level: Proposal

Division: Teaching and Learning and
Talent and Performance

Completed by: Divisions of Teaching and
Learning and Talent and
Performance

Summary of Comments and Agency Responses:

The following is a summary of the comments received from State Board of Education members and members of the public and the Department of Education's (Department) responses. Each commenter is identified at the end of the comment by a letter or number that corresponds to the following list:

- A. Arcelio Aponte, President
State Board of Education
- B. Dr. Ronald Butcher, Member
State Board of Education
- C. Dr. Ernest Lepore, Member
State Board of Education
- D. Kathy Goldenberg, Member
State Board of Education
- E. Sylvia Sylvia-Cioffi, Member
State Board of Education
- F. Dr. Joseph Ricca, Member
State Board of Education
- G. Karan Chauhan, Permanent Student Representative
State Board of Education

- 1. COMMENT:** The commenter asked for confirmation that at the end of grade five is a natural threshold to assess whether students have mastered the New Jersey Student Learning Standards for Science (NJSLS-S) from kindergarten through grade five (K-5).
(A)

RESPONSE: The structure of the NJSLS-S makes the end of grade five the natural threshold to assess student proficiency in science. Each NJSLS-S is comprised of three equally important dimensions -- a Disciplinary Core Idea (DCI), Science and Engineering

Practices (SEP), and Crosscutting Concept (CCC). The DCIs are grade specific in kindergarten through grade five. The DCI learning progressions end at either grade four or grade five; however, the SEPs and CCCs are grade banded at kindergarten through grade two (K-2), grades three through five (3-5), and grades six through eight (6-8).

The New Jersey Student Learning Assessment for Science (NJSLA-S) must assess student proficiency across all three dimensions of the science standards. The natural time to assess student proficiency is at the transition points of all three dimensions, which is at the end of grade five. It would be counterproductive to assess students' proficiency based on the SEP and CCC before students have had three full years to develop those proficiencies.

2. **COMMENT:** The commenter asked if the Department is in position to administer the State assessment in science at grade four this school year if the State Board does not approve the proposed amendment at N.J.A.C. 6A:8-4.1(c)1i, which requires the elementary component of the Statewide assessment of the New Jersey Student Learning Standards for Science(NJSLS) to consist of continued administration of mathematics and English language arts (ELA) in grades three, four, and five, and of science in grade four, to change the science assessment to grade five. **(F)**

RESPONSE: As required by N.J.A.C. 6A:8-4.1(c)1i, the Department is prepared to assess students at the end of either grade four or five. An assessment at the end of grade four can be administered in the spring of 2018; however, it would likely have several unintended consequences. ESSA Title I, Part A requires that “tests must measure higher-order thinking skills, such as reasoning, analysis, complex problem solving, critical thinking, effective communication, and understanding of challenging content.” In science, the higher-order thinking skills are assessed when asking students to use the SEP and CCC to explain phenomena or to design a solution to a problem. The SEP and CCC are grade banded at K-2 and 3-5. Assessing students before they have completed a grade band will raise concerns from educators and will be in direct conflict with requirements set forth by the United States Department of Education.

The Department maintains that an end-of-grade-five science assessment would be a more appropriate tool to help educators, parents, and policymakers promote educational excellence while limiting testing time. With the diversity of school district structures, it is important to provide receiving schools with clear, valid, and reliable information about student preparedness for the next level of education. Ninth grade science teachers use the end-of-grade-eight science assessment as one measure of student preparation. The end-of-grade-five science assessment will provide the same information to sixth grade teachers.

If the Department assesses student proficiency at the end of grade four, each school district will be compelled to create local assessments to gather the information at the end of grade five. Developing valid and reliable science assessments is difficult and expensive. An end-of-grade-five science assessment will provide valid and reliable student data and will remove the burden from each school district.

3. **COMMENT:** The commenter stated that the State Board often hears that a change to the construct of the educational program at the State level has an impact on the ability to move forward at the local level. The commenter also stated that keeping the elementary science assessment at grade four would provide stability for students, educators, and educator preparation programs and to provide stability for teachers to be able to work

toward fully implementing the NJSLS-S. The commenter further stated the Department confirmed the NJSLS-S are not nullified if the State science assessment remains at grade four rather than moving to grade five. **(F)**

RESPONSE: N.J.A.C. 6A:8-3.1(a) requires district boards of education to “ensure that curriculum and instruction are designed and delivered in such a way that all students are able to demonstrate the knowledge and skills specified by the NJSLS.”

After the State Board adopted NJSLS-S in 2014, the Department provided significant support during the transition. District boards of education have adopted local curricula that are designed to ensure that all students are proficient in the NJSLS-S. With the exception of the impact on school calendars and logistical complications, assessing the students at the end of grade five should not have a negative impact on students and educators.

The Department has carefully weighed the appropriateness of moving the science assessment to the end of grade five and has confidence that the shift is necessary.

4. **COMMENT:** The commenter asked if the State’s current grade four assessment in science is incorrect. The commenter also stated that perhaps the grade four assessment in science needs to be adjusted so it accurately reflects the science content a student should master by the end of fourth grade. **(E)**

RESPONSE: New Jersey Assessment of Skills and Knowledge (NJ ASK) no longer exists. The NJ ASK assessed student proficiency with the New Jersey Core Curriculum Content Standards for Science, which were replaced by the NJSLS-S in 2014. The Department is required to assess student proficiency with the NJSLS-S, something that the NJ ASK assessment was not designed to do.

Furthermore, the NJ ASK science assessment was designed in partnership with an assessment vendor under a contract that has expired.

5. **COMMENT:** The commenter asked if an assessment is the only way to identify whether a student are progressing through a science curriculum and if schools are likely teaching the curricula regardless of the importance of the State’s science assessment. **(F)**

RESPONSE: The Department has a responsibility to assess students to insure that all students are provided a thorough and efficient education. The Statewide assessments compliment local systems of assessment. The State assessment is only a component of monitoring student success with meeting the expectations defined in the NJSLS. The Department envisions a range of assessment strategies that are designed to answer different kinds of questions, with appropriate degrees of specificity, and provide results that complement one another. Local formative benchmark assessments are designed to support classroom instruction and monitor student learning. Insights from effective formative assessments should help inform instruction, and ultimately lead to an increase in student learning outcomes. Summative assessments not only provide valuable information to stakeholders on student achievement, but also measurement of student learning.

Benchmark assessments straddle the line between formative and summative purposes. The assessments are formative because they are used for a diagnostic function intended to guide instruction (i.e., to predict how well students are likely to do on the

end-of-year tests); however, this purpose causes the format to resemble end-of-year tests, rather than other types of internal assessments commonly used to guide instruction (e.g., quizzes, classroom dialogues, observations, or other types of immediate assessment strategies that are closely connected to instruction). Monitoring assessments are distinct from classroom instruction and are used to monitor or audit student learning over time.

Local assessments can be used to answer a range of important questions about student learning, such as: How much have students in a certain school or school system learned over the course of a year?; How does achievement in one school system compare with achievement in another?; and Is one instructional technique or curricular program more effective than another?

6. **COMMENT:** The commenter asked for confirmation that the concepts in the NJSLS-S build upon each other until grade 11 when students will be take a cumulative assessment to demonstrate proficiency in science. The commenter also asked if the same logic applies in terms of the progression of standards and the progression of a student's acquisition of knowledge regardless of whether students are assessed in grades four, eight, and 11 or grades five, eight, and 11. **(F)**

RESPONSE: The tasks used in the grade 11 NJSLS-S address the progressive nature of learning and include multiple components that reflect three-dimensional science learning. Students will use DCI, SEP, and CCC from life science, physical science, and earth and space sciences to explain how or why phenomena occur or to justify an engineering solution.

The logic that applies to the request to shift the elementary science test to grade five is similar to that of the shift to a comprehensive exam at the end of grade 11. The comprehensive exam is based on Administrative Code. Specifically, N.J.A.C. 6A:8-3.1(a) requires district boards of education to “ensure that curriculum and instruction are designed and delivered in such a way that all students are able to demonstrate the knowledge and skills specified by the NJSLS.” Furthermore, N.J.A.C. 6A:8-5.1(a)1iii requires students to take at least 15 credits in science in partial fulfillment of graduation requirements.

A comprehensive exam assesses student proficiency with applying understandings from different disciplines to explain phenomena or to design a solution to a problem. The assessment Framework (i.e., National Research Council's [*A Framework for K-12 Science Education*](#) (2011)) and the NJSLS-S shift from students learning facts, examples, and formulas to students being able to explain new and novel phenomena or engineering challenges. Teaching and learning is about applying understandings. The comprehensive exam is the only structure for a high school assessment that is consistent with the Framework, NJSLS-S, and local curriculum.

The logic model is similar but includes additional variables. Most school districts report that they complete science instruction by the end of grade 11. The practice allows student time to take advance coursework or science electives. The end-of-grade-11 science assessment will allow the Department to assess student proficiency at the end of instruction. The shift to an end-of-grade-five science assessment is necessary to measure student proficiency at the end of elementary science instruction.

7. **COMMENT:** The commenter asked if the State's current educator certification requirements are consistent with the NJSLS-S and the proposed change in the grade level

for the elementary science assessment and whether educator certification requirements need to be reviewed. The commenter also asked if educator preparation programs are training candidates in a manner that is aligned with the shifts in concepts caused by the NJSLS-S. **(B)**

RESPONSE: All educator preparation programs in New Jersey are required to earn accreditation through the Council for the Accreditation of Educator Preparation (CAEP). As part of this accreditation, programs must demonstrate alignment to standards of the specialized professional associations, as well as college- and career-ready standards (both of which cover the NJSLS-S).

While Administrative Code does not specify the subject-specific standards for each type of educator preparation program, accreditation requirements at N.J.A.C. 6A:9A-3.1 ensure programs align to the most relevant standards. The CAEP accreditation process also ensures, via an off-site study and on-site interviews, that preparation programs are aligned to the standards and that candidates are able to apply their content and pedagogical knowledge in the classroom.

The proposed change in the grade level for the elementary science assessment will not impact educator certification requirements. Therefore, the Department does not anticipate that revisions to the educator certification requirements will be necessary.

8. **COMMENT:** The commenter asked what steps are necessary to prepare teachers properly for the shifts associated with the NJSLS-S and when will the preparation will take place. **(D)**

RESPONSE: The Department does not anticipate changes to educator preparation programs are necessary because of the NJSLS-S. However, educator preparation programs must demonstrate alignment to the Professional Standards for Teachers and the Professional Standards for School Leaders set forth in N.J.A.C. 6A:9-3.3 and 3.4, which must be used in the approval of educator preparation programs, recommendation of candidates for a certificate, induction, educator evaluation, and the approval of professional development. In addition, educator preparation programs must demonstrate alignment to standards of the specialized professional associations, as well as college- and career-ready standards (both of which cover the NJSLS-S).

9. **COMMENT:** The commenter asked Dr. Ravit Golan Duncan, Associate Professor at Rutgers University's Graduate School of Education and School of Environmental and Biological Science, whether her research examines whether the preparation of teachers enables them to understand and teach the skills and concepts embodied in the NJSLS-S. **(B)**

RESPONSE: Dr. Duncan responded that while her research focuses on how students learn science, she is heavily involved in Rutgers University's educator preparation program and the program requires its students to read the *Framework* in their first semester and design three-dimensional instructional materials that meet the NJSLS-S. Dr. Duncan also said there is a learning curve for students in the educator preparation program and mastery of the new material will take time.

10. **COMMENT:** The commenter asked Dr. Duncan for the percentage of teachers working in New Jersey who were educated at Rutgers University. **(D)**

RESPONSE: Neither Dr. Duncan nor the Department has the proper data to determine how many current New Jersey educators took part in Rutgers University’s educator preparation programs.

11. **COMMENT:** The commenter asked at what grade level are students exposed to science concepts that will occupy their science coursework for an entire year. The commenter also asked whether the NJSLS in mathematics at grade five complement the NJSLS-S in grade five. (C)

RESPONSE: The NJSLS for science and mathematics are grade-level equivalent. The Department’s vision is that the correlation encourages teachers to develop learning tasks in which students learn and use grade five mathematics as part of the science learning tasks. Additionally, the NJSLS for English language arts are also grade and grade-level equivalent, which provides opportunities for teachers to create engaging interdisciplinary learning tasks.

12. **COMMENT:** The commenter asked whether the new comprehensive science assessment for grade 11 will resemble the ACT[®] college-entrance exam, which tests scientific reasoning and the core science concepts emphasized in elementary grades, or if students will be required to have an understanding of all three sciences (i.e., biology, chemistry, and physics). The commenter also stated many students do not take all three sciences and take Advanced Placement (AP) Chemistry rather than physics, for example. (G)

RESPONSE: While the ACT’s science test assesses content knowledge in concert with science skills and practices, the test is based on standards that are different than the NJSLS-S. [The ACT College & Career Readiness Standards](#) are simplified containing a list of broad content topics and overview of three practices. AP exams assess students’ understanding of the big ideas, enduring understandings, and essential knowledge and the ways in which their understanding can be applied through the science practices. This view of the material is more akin to an end-of-course assessment rather than an overall assessment of science knowledge and ability.

All students in kindergarten through grade 12 are required to receive instruction in all of the science standards. The DCI are organized by physical, life, and earth and space sciences. School districts may choose to teach the standards in discipline-specific courses like biology, chemistry, and physics but school districts must ensure that all students receive instruction in all of the NJSLS-S.

The Department’s Model Science Curriculum Framework (2014) and the Accelerated Model Course Pathways (2015) both provide models for how a school can organize their courses to ensure that all standards receive instruction in all of the standards while maintaining time in which students can take AP courses.

13. **COMMENT:** The commenter asked how the comprehensive high school science assessment will address the scientific use of mathematics concepts that go beyond Algebra I, which is the mathematics assessment that will be required for graduation. The commenter cited physics as an example of a science course that utilizes higher-order mathematics concepts. (G)

RESPONSE: The NJSLS-S are designed so that they do not outpace or misalign with the NJSLS in mathematics. All of the science assessments will assess student proficiency with age-appropriate science, including the use of mathematics.

While the NJSLs establish the minimum expectations for all students, district boards of education may adopt curricula that go well beyond the NJSLs for science, mathematics, or any content area.

- 14. COMMENT:** The commenter stated it is important for the public to understand that conversations between the State Board and Department regarding changes or policy do not mean that anyone is questioning that the intent is what is in the best interest of New Jersey's students. **(F)**

RESPONSE: The Department agrees. Further, both the Department and the State Board base their conclusions on evidence provided by experts in conjunction with constituent comments.



State of New Jersey
DEPARTMENT OF EDUCATION
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Proposal Level
January 3, 2018

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

KIMBERLEY HARRINGTON
Commissioner

TO: Members, State Board of Education

FROM: Kimberley Harrington
Commissioner

SUBJECT: N.J.A.C. 6A:8, Standards and Assessment

REASON
FOR ACTION: Readoption with Amendment

AUTHORITY: N.J.S.A. 18A:7A-10 through 14, 18A:7C-1 et seq., 18A:7E-2 through 5,
18A:35-4.2 and 4.7, and 18A:59-5.

SUNSET DATE: February 7, 2018

Summary

The Department of Education (Department) proposes to readopt with amendment N.J.A.C. 6A:8, Standards and Assessment. The chapter, which implements the New Jersey Student Learning Standards (NJSLS) and the Statewide assessment system, expires February 7, 2018.

The chapter requires all providers of publicly funded elementary, secondary, and adult high school education programs to align their curriculum and instruction with the NJSLS, which were amended and renamed by the State Board of Education (State Board) in May 2016. The standards previously were known as the Core Curriculum Content Standards (CCCS). The chapter also mandates the implementation of a Statewide assessment system to measure student achievement of the NJSLS.

The chapter originally was adopted in May 2000 and readopted in June 2005. The chapter expired on June 7, 2010, and was adopted again as new rules effective February 7, 2011.

The Department proposes one amendment to the chapter to change the grade level at which the elementary science assessment is administered as part of the State's implementation of the revised science standards, which were adopted in July 2014.

The following is a brief summary of each section within the chapter and the proposed amendment.

Subchapter 1. General Provisions

N.J.A.C. 6A:8-1.1 Purpose

This section establishes the chapter's purpose.

N.J.A.C. 6A:8-1.2 Scope

This section establishes the chapter's scope.

N.J.A.C. 6A:8-1.3 Definitions

This section provides definitions for words and terms used in the chapter.

Subchapter 2. The New Jersey Student Learning Standards

N.J.A.C. 6A:8-2.1 Authority for educational goals and standards

This section identifies the State Board's responsibility for establishing State educational goals and standards. The section also captures the history of the adoption of the CCCS. The section further establishes the process by which the State's academic standards are examined and revised every five years.

N.J.A.C. 6A:8-2.2 Authority for the State Plan for Career and Technical Education

This section designates the State Board as the legally constituted State Board for Career and Technical Education, having responsibility for administration of the State Plan for Career and Technical Education. The section also ties the development of the State Plan for Career and Technical Education to the NJSLS, particularly Standard 8: Technology and Standard 9: 21st Century Life and Careers.

Subchapter 3. Implementation of The New Jersey Student Learning Standards

N.J.A.C. 6A:8-3.1 Curriculum and instruction

This section describes a district board of education's responsibility for the design and delivery of curriculum and instruction needed to address the NJSLS. The section also requires a district board of education to ensure that appropriate instructional adaptations are designed and delivered for students with disabilities, English language learners, students enrolled in alternative education programs, and students who are gifted and talented.

N.J.A.C. 6A:8-3.2 Career education and counseling

This section requires a district board of education to develop and implement a comprehensive and developmental system for the delivery of guidance and academic counseling for all students to facilitate career awareness, exploration, and preparation in fulfillment of the NJSLS.

N.J.A.C. 6A:8-3.3 Enrollment in college courses

This section provides for the continuity of education from secondary through postsecondary by requiring a district board of education to make reasonable efforts to increase opportunities for high school students to take college courses as part of their secondary educational program. The section also establishes parameters for student eligibility, courses, instructors, and credit acceptance.

Subchapter 4. Implementation of The Statewide Assessment System

N.J.A.C. 6A:8-4.1 Statewide assessment system

This section describes the Statewide assessment system linked to the NJSLs.

The Department proposes an amendment at N.J.A.C. 6A:8-4.1(c)1i, which requires the Department to implement the elementary component of the Statewide assessment of the NJSLs consisting of the continued administration of mathematics and English language arts in grades three, four, and five, and of science in grade four, to change the elementary science assessment to grade five. The shift in the grade level for the science assessment is part of the implementation of the revised science standards, which were adopted by the State Board of Education in July 2014 and which all school districts were required to implement by the 2017-2018 school year.

N.J.A.C. 6A:8-4.2 Documentation of student achievement

This section describes the required content of student transcripts and requires a district board of education to maintain accurate student records, including performance on Statewide assessments.

N.J.A.C. 6A:8-4.3 Accountability

This section requires specific reporting of annual State assessment results and requires district boards of education to provide appropriate instruction to improve skills and knowledge for students who perform below established proficiency levels on State or local assessments.

N.J.A.C. 6A:8-4.4 Annual review and evaluation of school districts

This section requires the Department to review school and school district performance as measured by the Statewide assessment system.

N.J.A.C. 6A:8-4.5 Public reporting

This section requires the Department to report annually to the State Board and the public on the progress all students and student subgroups in meeting the NJSLs as measured by the Statewide assessment system by publishing and distributing the annual New Jersey School Report Card (now called the New Jersey School Performance Reports) without compromising the confidentiality of individual students.

Subchapter 5. Implementation of Graduation Requirements

N.J.A.C. 6A:8-5.1 Graduation requirements

This section describes the ways in which students can obtain a high school diploma.

N.J.A.C. 6A:8-5.2 High school diplomas

This section provides the requirements that must be met for district boards of education to award State-endorsed high school diplomas. The section provides the other paths by which New Jersey students can earn a diploma.

As the Department has provided a 60-day comment period on this notice of proposal, the notice is excepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The rules proposed for readoption with amendment apply to all providers of publicly funded elementary, secondary, and adult high school education programs, including the governing authorities of the following providers: school districts, county vocational school districts; educational services commissions; jointure commissions; charter schools; alternative schools; regional day schools; adult high schools; county special services school districts; the Marie H. Katzenbach School for the Deaf; the Department of Human Services; the Department of Children and Families; the Department of Corrections; the Juvenile Justice Commission; public college-operated programs; and approved private schools for students with disabilities (APSSDs). The rules proposed for readoption with amendment will have an impact on the governing authorities and individuals who administer and provide educational services, as well as students who receive the services.

The rules proposed for readoption with amendment will have a positive social impact on New Jersey's diverse student population because the rules ensure that all students are prepared both for postsecondary education and for the demands of the 21st century workplace. The rules proposed for readoption with amendment continue the process of including the performance of students with disabilities and English language learners in the Statewide assessment system. The proposed amendment will have a positive impact on New Jersey's public school students because it will ensure students have mastered the skills and competencies established in the science standards that were adopted in July 2014, which are designed to promote a more authentic understanding of core concepts.

The rules proposed for readoption with amendment will have a positive social impact on individuals who administer educational services because the rules encourage the active involvement of, and collaboration with, community, business, industry, labor, and higher education representatives in the development and implementation of educational programs.

Economic Impact

The rules proposed for readoption with amendment will have a positive economic impact on students. The rules proposed for readoption with amendment will reduce the necessity for many of New Jersey's high school graduates to spend their time and financial resources on remedial courses at the college level. By better preparing those graduates for postsecondary education and for the demands of the 21st century workplace, the rules proposed for readoption with amendment also have the potential to significantly reduce future unemployment and increase long-term financial security among high school graduates.

The Department does not anticipate the rules proposed for readoption with amendment will involve increased expenditures for school districts and other providers since all publicly funded education programs in New Jersey currently are required to align curriculum and instruction to assist students in achieving the NJSLs. The Department also does not anticipate

the proposed amendment will have an economic impact because the science assessment will continue to be administered in only one grade at the elementary level.

Federal Standards Statement

The rules proposed for re adoption with amendment are in compliance with, and do not exceed, Federal education requirements included in the Every Student Succeeds Act (ESSA) (P.L. 114-95), which is the 2015 reauthorization of the Elementary and Secondary Education Act (ESEA), and in the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. § 1400). There are no other Federal requirements that impact the rules proposed for re adoption.

Jobs Impact

The Department does not anticipate that rules proposed for re adoption with amendment will result in the generation or loss of jobs.

Agriculture Industry Impact

The rules proposed for re adoption with amendment will have no impact on the agriculture industry in New Jersey.

Regulatory Flexibility Analysis

The rules proposed for re adoption with amendment apply to all providers of publicly funded elementary, secondary, and adult high school education programs, including APSSDs. APSSDs are entities approved by the Department according to N.J.A.C. 6A:14-7.2 or 7.3 to provide special education and related services to students with disabilities placed by the district board of education responsible for providing the students' education. Most APSSDs could be considered small businesses as that term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules included in this chapter are largely programmatic, based on achieving the NJSLS, and must be in place for all students. To the extent that maintaining transcripts or fulfilling other reporting requirements results in additional costs to APSSDs as small businesses, such costs are necessary, and it would be disadvantageous to students and the general public if all providers did not follow the requirements.

Housing Affordability Impact Analysis

The rules proposed for re adoption with amendment will have an insignificant impact on the affordability of housing in New Jersey. There is an extreme unlikelihood the rules proposed for re adoption with amendment would evoke a change in the average costs associated with housing because the rules concern academic standards, Statewide assessments, and high school graduation requirements.

Smart Growth Development Impact Analysis

The rules proposed for re adoption with amendment will have an insignificant impact on smart growth. There is an extreme unlikelihood the rules proposed for re adoption with amendment would evoke a change in housing production in Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the rules proposed for re adoption concern academic standards, Statewide assessments, and high school graduation requirements.

Full text of the rules proposed for readoption and the proposed amendment follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

N.J.A.C. 6A:8, STANDARDS AND ASSESSMENT

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CHAPTER 8, STANDARDS AND ASSESSMENT

SUBCHAPTER 1. GENERAL PROVISIONS

6A:8-1.1 Purpose

- (a) To prepare students for college and career, success in life, and work in an economy driven by information, knowledge, and innovation requires a public education system where teaching and learning are aligned with 21st century learning outcomes. The outcomes move beyond a focus on basic competency in core subjects and foster a deeper understanding of academic content at much higher levels by promoting critical thinking, problem solving, and creativity through:
 - 1. The New Jersey Student Learning Standards (NJSLS) that specify expectations in nine academic content areas: English language arts; mathematics; visual and performing arts; comprehensive health and physical education; science; social studies; world languages; technology; and 21st century life and careers;
 - 2. Indicators at benchmark grade levels delineated in the standards that further clarify expectations for student achievement; and
 - 3. Twenty-first century themes and skills integrated into all content standards areas.
- (b) District boards of education shall ensure that standards, assessments, curriculum, instruction, and professional development are aligned in a local support system that enables all students to achieve 21st century outcomes through the establishment of student-centered learning environments that provide opportunities for academically diverse students to:

1. Learn in meaningful, real-world contexts through rigorous and relevant curriculum that promotes engagement in learning by addressing varying college and career goals;
 2. Access and use quality learning tools, technologies, and resources;
 3. Become self directed seekers of knowledge able to evaluate, apply, and create new knowledge in varying contexts; and
 4. Use effective communication, communication technology, and collaboration skills to interact with cultural sensitivity in the diverse local and world community.
- (c) The NJSLS, including indicators, enable district boards of education to establish curriculum and instructional methodologies for the purpose of providing students with the constitutionally mandated system of “thorough” public school instruction that promotes college and career readiness.
- (d) The Statewide assessment system is designed to measure college and career readiness and student progress in the attainment of the NJSLS.
- (e) The results of the Statewide assessments shall facilitate program evaluation based on student performance and shall enable district boards of education, the public, and government officials to evaluate the educational delivery systems of all public schools.

6A:8-1.2 Scope

- (a) The New Jersey Student Learning Standards (NJSLS) apply to all students enrolled in public elementary, secondary, and adult high school education programs within the State of New Jersey.
- (b) Unless otherwise noted, “district boards of education” shall be interpreted throughout this chapter to include the governing authorities of all providers of publicly funded

elementary, secondary, and adult high school education programs, including county vocational school districts; educational services commissions; jointure commissions; charter schools; alternative schools; regional day schools; adult high schools; county special services school districts; the Marie H. Katzenbach School for the Deaf; the Department of Human Services; the Department of Children and Families; the Department of Corrections; the Juvenile Justice Commission; public college-operated programs; and approved private schools for the disabled.

- (c) District boards of education shall align their curriculum and instructional methodologies to assist all students in achieving the NJSLS and to prepare all students for college and career.
- (d) Progress toward meeting the NJSLS shall be measured by the Statewide assessment system at grades three through 12, or if ungraded at equivalent ages, and at other grade(s) deemed appropriate by the Commissioner.

6A:8-1.3 Definitions

The following words and terms shall have the following meanings when used in this chapter unless the context clearly indicates otherwise.

“Accommodations or modifications to the Statewide assessment system” means changes in testing procedures or formats that provide students with disabilities and English language learners (ELLs) an equitable opportunity to participate in assessment and demonstrate their knowledge and skills in the areas assessed.

“ACTFL” means the American Council on the Teaching of Foreign Languages.

“Adult education assessment test” means a test approved by the United States Department of Education that is used to award a State-issued high school diploma.

“Advanced Placement courses” means courses aligned with course descriptions provided by the College Board and intended to provide students with the opportunity to complete college-level studies during secondary school.

“All students” means every student enrolled in public elementary, secondary, and adult high school education programs within the State of New Jersey, including general education students, students with disabilities, and English language learners (ELLs).

“Alternative assessment for students with disabilities” means the alternative assessment used to determine cumulative student achievement of the knowledge and skills specified by the New Jersey Student Learning Standards for students with disabilities who are unable to participate in the Statewide assessment system.

“Annual measurable objectives” or “AMOs” means the performance targets set by New Jersey in the Elementary and Secondary Education Act (ESEA) flexibility waiver approved by the United States Department of Education.

“Approved private schools for the disabled” means incorporated entities approved by the Department according to N.J.A.C. 6A:14-7.2 or 7.3 to provide special education and related services to students with disabilities who have been placed by the district board of education or charter school responsible for providing their education.

“Assessment” means a State-developed or State-approved standardized instrument or process that measures student performance levels on the New Jersey Student Learning Standards.

“Career awareness, exploration, and preparation” means instruction and programs that assist students to clarify career goals; explore career possibilities; develop employability skills; develop foundational knowledge necessary for success in the workplace; and make the transition from school to careers, including college, training, and employment.

“Career and technical education” means as defined in N.J.A.C. 6A:19-1.2.

“Charter school” means as defined in N.J.A.C. 6A:11-1.2.

“Chief school administrator” means the superintendent of schools or the administrative principal who works directly with the district board of education if there is no superintendent in the school district.

“CLEP” means College-Level Examination Program, which enables students to receive college credit by earning qualifying scores on examinations that are offered by the College Board and cover material taught in courses most students take as requirements in the first two years of college. A college usually grants the same amount of credit to students earning satisfactory scores on the CLEP examination as it grants to students successfully completing the course.

“Content equivalent” means courses or activities that include the same or equivalent knowledge and skills as found in traditionally titled courses that are required for high school graduation and are aligned with the New Jersey Student Learning Standards. The content must be taught by

certified teachers, may be integrated in one or more courses, may be titled differently, or may present material in an interdisciplinary or spiral format.

“Credit” means the award for the equivalent of a class period of instruction, which meets for a minimum of 40 minutes, one time per week during the school year or as approved through N.J.A.C. 6A:8-5.1(a)2.

“Cut score” means a score on the assessment scales that demarcates the various performance levels.

“ELL” means English language learner, indicating a person who is in the process of acquiring English and has a first language other than English. ELLs sometimes are referred to as limited English proficient (LEP).

“English language development standards” means as defined in N.J.A.C. 6A:15-1.2.

“Evaluation,” formerly called “monitoring,” means the process by which the Commissioner or his or her designee evaluates the status of each school district or charter school.

“504 plan” means a written educational plan prepared by the 504 team for a 504 student.

“504 student” means a student who has a physical or mental impairment that substantially limits a major life function; has been determined eligible for services, including accommodations and modifications by the school district’s 504 team; and has a 504 plan.

“504 team” means a group of persons that makes program and placement decisions according to Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and 34 CFR § 104.35(c).

“GED” means tests of General Educational Development taken in order to qualify for a State-issued high school diploma.

“Gifted and talented students” means students who possess or demonstrate high levels of ability in one or more content areas when compared to their chronological peers in the local school district and who require modifications of their educational program if they are to achieve in accordance with their capabilities.

“IEP” means individualized education program as defined in N.J.A.C. 6A:14-1.3.

“IEP team” means as defined in N.J.A.C. 6A:14-1.3.

“Indicator” means statements that further delineate the NJSLS.

“Individualized student learning opportunities” means student experiences based upon specific instructional objectives that meet or exceed the NJSLS at the high school level. Such opportunities may occur in all NJSLS and may include, but are not limited to, independent study; online learning; study-abroad programs; student exchange programs; and structured learning experiences, including, but not limited to, work-based programs, internships, apprenticeships, and service learning experiences. The opportunities shall be based on student interests and career goals.

“Instructional adaptation” means an adjustment or modification to instruction enabling students with disabilities, ELLs, or students in alternative education programs or who are gifted and talented to participate in, benefit from, and/or demonstrate knowledge and application of the NJSLS.

“Interdisciplinary connections” means integrating NJSLS and skills from one or more content areas into instruction and assessment of another content area.

“Laboratory/inquiry-based science course” means a course in which students are systematically provided with ongoing opportunities to use data drawn from or to interact directly with the natural and designed/engineered world, using tools, data collection techniques, models, and scientific concepts and principles.

“Magnet program” means a distinctive program designed to:

1. Attract students by offering a specialized curriculum based on a special theme or method of instruction; and
2. Substantially strengthen the knowledge of academic subjects and the attainment of tangible and marketable vocational, technological, and professional skills of students attending the program.

“MOPI” means the ACTFL Modified Oral Proficiency Interview, which is a standardized assessment of functional speaking ability often used to test lower proficiency ranges.

“Native language” means the language or mode of communication first learned by the student.

“New Jersey Student Learning Standards” or “NJSLS” means standards adopted by the State Board of Education on May 1, 1996, and as thereafter revised by the State Board, and the Common Core State Standards adopted by the State Board on June 16, 2010, and as thereafter revised by the State Board, that describe the knowledge and skills all New Jersey students are expected to acquire by benchmark grades in the following areas: English language arts; mathematics; science; social studies; visual and performing arts; comprehensive health and physical education; world languages; technology; and 21st career life and careers. The standards are established for the provision of a thorough and efficient education pursuant to N.J.S.A. 18A:7F-46 and as a basis for the evaluation of school districts in accordance with N.J.A.C. 6A:30.

“OPI” means the ACTFL Oral Proficiency Interview, which is a standardized assessment of functional speaking ability currently available in 37 world languages.

“Pacing guide” means a schedule that includes aligned concepts, topics and skills related to a particular curriculum to be addressed over a defined period of time. It is not a prescriptive, lock-step set of lesson plans that impede an educator's ability to exercise flexibility in meeting students' learning needs.

“PARCC assessment” means the set of assessments designed by the Partnership for Assessment of Readiness for College and Careers used to determine student achievement of knowledge and skills specified by the NJSLS in English language arts and mathematics.

“Performance level” means one of several categories describing student proficiency with regard to the achievement of the NJSLS.

“Personalization” means enabling students to build and strengthen relationships with peers, teachers, other staff members, families, and the community at large through multiple strategies that promote engagement and high expectations based on individual interests and aptitudes, and that are conducive to successful teaching and learning experiences.

“Personalized Student Learning Plan” means a formalized plan and process that involves students setting learning goals based on personal, academic, and career interests, beginning in the middle school grades and continuing throughout high school with the close support of adult mentors, including teachers, counselors, and parents.

“Portfolio appeals process” means an alternative assessment of proficiency for graduation established by the Commissioner, utilizing techniques and instruments other than PARCC assessments or substitute competency tests.

“Professional development” means a comprehensive, sustained, and intensive approach to improving the effectiveness of teachers, principals, and other school personnel in raising student achievement.

“Proficient” or “proficiency” means a student-achieved score at or above the cut score, which demarks a solid understanding of the content measured by an individual section of any State assessment.

“QSAC” means the Quality Single Accountability Continuum, which is used pursuant to N.J.A.C. 6A:30 to review and evaluate school district operations.

“Rehabilitation Act” means the Federal Rehabilitation Act of 1973, 29 U.S.C. §§ 701 et seq., as amended in 1992.

“Service learning experience” means a method that allows students or participants to learn and develop through active participation in thoughtfully organized activities that are conducted in and meet the needs of a community, and that help foster civic responsibility. Service learning experiences shall be coordinated with the community and with an elementary or secondary school, institution of higher education, or community-services program; shall be integrated into and enhance the school district’s academic curriculum; and shall provide structured time for students to reflect on the service experience.

“STAMP” means Standards-based Measurement of Proficiency, which is a test that is delivered, graded, and reported online, and that assesses students’ language proficiency from the “Novice-Low” to the “Intermediate-Mid” benchmark levels.

“Standards support materials” means documents published by the Department that include and elaborate on the NJSLs for preschool through grade 12 education, and that may assist in the development of local curricula.

“State Board” means the New Jersey State Board of Education.

“State-endorsed diploma” means a locally-issued document awarded to an exiting student indicating successful completion of high school graduation requirements.

“State-issued high school diploma” means a diploma issued by the State of New Jersey.

“Structured learning experience” means as defined in N.J.A.C. 6A:19-1.2.

“Study abroad programs” means programs that enable New Jersey students to attend a high school in another country for a semester or full academic year to acquire academic and cross-cultural skills that will help them live and work in a globally interdependent world.

“Substitute competency test” means an alternative set of third-party assessments approved by the Commissioner, including, but not limited to the SAT, PSAT, ACT, ACT-Aspire, ASVAB-AFQT, or Accuplacer, that can be used to demonstrate competency in the NJSLs for students who have not demonstrated proficiency on PARCC assessments.

“Technological literacy” means students meeting NJSLs 8.1 Educational Technology, obtained through the integration of effective educational technology practices, strategies, and tools throughout all curricular areas.

“Transcript” means a document for all students exiting the public education system that describes a student’s progress toward achievement of the NJSLs and other relevant experiences and achievements.

“Twenty-first century careers” means careers and occupations that have been impacted by technological and global forces and are in an ongoing state of reinvention due to technological advances and e-commerce.

“Twenty-first century themes and skills” means themes such as global awareness; financial, economic, business, and entrepreneurial literacy; civic literacy; health literacy; learning and innovation skills, including creativity and innovation, critical thinking and problem solving, and

communication and collaboration; information, media, and technology skills; and life and career skills, including flexibility and adaptability, initiative and self-direction, social and cross-cultural skills, productivity and accountability, and leadership and responsibility.

SUBCHAPTER 2. THE NEW JERSEY STUDENT LEARNING STANDARDS

6A:8-2.1 Authority for educational goals and standards

- (a) The State Board of Education is responsible for establishing State educational goals and standards according to P.L. 1990, c. 52, P.L. 1991, c. 3, and P.L. 1991, c. 62.
 - 1. In June 2009, the State Board adopted revised CCCS and associated indicators in visual and performing arts, comprehensive health and physical education, science, technology, 21st century life and careers, and world languages.
 - 2. In September 2009, the State Board adopted revised CCCS and associated indicators in social studies.
 - 3. In June 2010, the State Board adopted revised CCCS and associated indicators reflecting the Common Core State Standards for English language arts and mathematics.
 - 4. The State Board on or before May 2008 initiated a review and readoption process for the CCCS and the Preschool Teaching and Learning Expectations: Standards of Quality. The process will be repeated every five years thereafter, based on recommendations by the Commissioner according to the following procedure:
 - i. The Commissioner shall convene an advisory panel of public school educators, higher education representatives, business representatives, and other citizens, to review and, if necessary, to recommend modifications to

the NJSLS and the associated indicators within a scheduled period of time established by the Commissioner.

- ii. The Commissioner shall present to the State Board for consideration at a public meeting any recommended revision(s) to the NJSLS and the associated indicators.
- iii. Advanced notice(s) of the State Board meeting at which the recommended NJSLS will be considered shall be published in the New Jersey Register.
- iv. The State Board will conduct public hearings on the Commissioner's recommendations at dates, times, and locations announced in the New Jersey Register.
- v. Upon State Board adoption, the Commissioner shall publish and distribute to district boards of education and the general public the revised NJSLS.

6A:8-2.2 Authority for the State Plan for Career and Technical Education

- (a) The State Board shall serve as required by P.L. 109-270 and designated by N.J.S.A. 18A:59-5 as the sole agency responsible for the administration of the State Plan for Career and Technical Education and the legally constituted State Board for Career and Technical Education.
- (b) The State Board will be guided by the NJSLS and, particularly, Standard 8: Technology and Standard 9: 21st Century Life and Careers, in developing the State Plan for Career and Technical Education required under P.L. 109-270.

SUBCHAPTER 3. IMPLEMENTATION OF THE NEW JERSEY STUDENT LEARNING STANDARDS

6A:8-3.1 Curriculum and instruction

- (a) District boards of education shall ensure that curriculum and instruction are designed and delivered in such a way that all students are able to demonstrate the knowledge and skills specified by the NJSLs and shall ensure that appropriate instructional adaptations are designed and delivered for students with disabilities, for ELLs, for students enrolled in alternative education programs, and for students who are gifted and talented.
1. The Department shall provide district boards of education with Standards support materials that suggest a variety of activities and strategies that may assist in the development of local curricula aligned with the NJSLs.
 2. District boards of education shall encourage the active involvement of representatives from the community, business, industry, labor, and higher education in the development of educational programs aligned with the NJSLs.
 3. District boards of education shall be responsible for assessing and publicly reporting on the progress of all students in developing the knowledge and skills specified by the NJSLs, including civics, financial literacy, and all content areas not currently included in the Statewide assessment program.
 4. District boards of education shall be responsible for developing for all students with disabilities educational programs aligned with the NJSLs with appropriate accommodations, instructional adaptations, and/or modifications as determined by the IEP or 504 team.
 5. District boards of education shall be responsible for identifying gifted and talented students and shall provide them with appropriate instructional adaptations and services.

- i. District boards of education shall make provisions for an ongoing K-12 identification process for gifted and talented students that includes multiple measures.
 - ii. District boards of education shall provide appropriate kindergarten-through-grade-12 (K-12) educational services for gifted and talented students.
 - iii. District boards of education shall develop appropriate curricular and instructional modifications used for gifted and talented students indicating content, process, products, and learning environment.
 - iv. District boards of education shall take into consideration the Pre-K–Grade 12 Gifted Programming Standards of the National Association for Gifted Children in developing programs for gifted and talented students.
- 6. District boards of education shall actively assist and support professional development for teachers, educational services staff, and school leaders, including their efforts to meet mandatory professional development requirements specified in N.J.A.C. 6A:9C-3.
 - i. District boards of education shall facilitate the development and implementation by school leaders of professional growth plans aligned with the requirements set forth at N.J.A.C. 6A:9C.
- 7. District boards of education shall be responsible for developing for ELLs English language assistance programs that are aligned to the NJSLS and the English language development standards.
- (b) District boards of education shall be responsible for the delivery of educational programs at the elementary and secondary levels using a coherent sequence of activities to prepare all students for college and careers upon their graduation. Examples of such programs

include, but are not limited to, academic programs, career and technical education programs, and/or magnet programs.

1. District boards of education shall implement educational programs that prepare all students for success in college and careers, including the kindergarten through grade eight development of academic skills integral to success in high school courses.
 2. District boards of education of school districts that include students in at least two of the grades from six through 12 shall develop opportunities for personalization that strengthen relationships among students, teachers, staff members, families, and the larger community for students in grades six through 12.
- (c) District boards of education shall be responsible for the review and continuous improvement of curriculum and instruction based upon changes in knowledge, technology, assessment results, and modifications to the NJSLS, according to N.J.A.C. 6A:8-2.
1. District boards of education shall include interdisciplinary connections throughout the K-12 curriculum.
 2. District boards of education shall integrate into the curriculum 21st century themes and skills.
 3. District boards of education shall provide the time and resources to develop, review, and enhance inter-disciplinary connections, supportive curricula, and instructional tools for helping students acquire required knowledge and skills.
The tools include, but are not limited to:
 - i. A pacing guide;
 - ii. A list of core instructional materials, including various levels of texts at each grade level;
 - iii. Benchmark assessments; and

- iv. Modifications for special education students, for ELLs in accordance with N.J.A.C. 6A:15, for students at risk of school failure, and for gifted students.
- (d) District boards of education shall establish procedures whereby any student whose parent or guardian presents to the school principal a signed statement that any or part of the instruction in health, family life education, or sex education is in conflict with his or her conscience or sincerely held moral or religious beliefs shall be excused from that part of the course where such instruction is being given and, pursuant to N.J.S.A. 18A:35-4.7, no penalties shall result.

6A:8-3.2 Career education and counseling

- (a) The Department shall conduct a pilot project and evaluation of Personalized Student Learning Plans beginning in the 2009-2010 school year.
- (b) In fulfillment of the NJSLs, district boards of education shall develop and implement a comprehensive and developmental system for the delivery of guidance and academic counseling for all students to facilitate career awareness, exploration, and preparation. The system shall:
 - 1. Be linked to the NJSLs;
 - 2. Take into consideration the American School Counselor Association's National Standards for School Counseling Programs;
 - 3. Be infused throughout the K-12 curriculum as appropriate for all students;
 - 4. Be supported by professional development programs;
 - 5. Provide developmental career guidance and academic counseling, linked to the NJSLs, designed to:

- i. Assist students in making and implementing informed educational and career choices, including opportunities to change career focus;
 - ii. Support students' academic attainment, career development, and personal/social development;
 - iii. Develop students' understanding of the relationships among academic attainment, career development, and personal/social development; and
 - iv. Encourage students to create and maintain portfolios consisting of student accomplishments including academic and career-oriented work samples that reflect achievement of the NJSLS; and
- 6. Allow district boards of education to select the delivery format, which may include:
 - i. An integrated curriculum that is based on NJSLS 9.1 through 9.4 and provides students the opportunity to acquire information about their career interests and/or take advanced courses linked to their career interests; and/or
 - ii. Specialized programs that reflect the needs of students and the community.
- (c) For students with disabilities beginning at age 14, or younger if determined appropriate by the IEP team, district boards of education shall ensure that career guidance and academic counseling are coordinated with transition services provided in accordance with N.J.A.C. 6A:14-3.7.
- (d) District boards of education, in fulfillment of the NJSLS, shall develop and implement curriculum and instructional methods that:
 - 1. Include the integration of technological literacy, consistent with the NJSLS;
 - 2. Provide all students with an understanding of the career applications of knowledge and skills learned in the classroom; and

3. Provide all students with opportunities to apply knowledge and skills learned in the classroom to real or simulated career challenges.
- (e) District boards of education, in fulfillment of the NJSLS, shall develop and implement for all students a system of career development activities that:
1. Offers all students the opportunity to more fully explore career interests within one or more of the Career Clusters identified in the Career and Technical Education Programs and Standards rules at N.J.A.C. 6A:19, that are linked to NJSLS and measured by the Statewide assessment system according to N.J.A.C. 6A:8-4;
 2. Allows district boards of education to select the appropriate format for offering career-development activities based on district resources, community needs, and student interest;
 3. Allows district boards of education to select the delivery format that may include:
 - i. An integrated curriculum, based on the NJSLS, that provides students the opportunity to acquire information about their career interests and/or take advanced courses linked to their career interests; or
 - ii. Specialized programs that reflect the needs of students and the community; and
 4. Instills the concept of the need for continuous learning throughout one's life.
- (f) District boards of education shall offer all high school students opportunities to more actively explore career interests by participating in structured learning experiences linked to the NJSLS.
1. Structured learning experiences should give students opportunities to demonstrate and apply a high level of academic attainment and to develop career and personal/social goals.
 2. Interested students may voluntarily select structured learning experiences that are:

- i. Co-curricular or extra-curricular activities; and
 - ii. Taking place within the school district, at a work site, or in the community in accordance with N.J.A.C. 6A:19-6.4.
- 3. District boards of education shall ensure students participating in school-sponsored, paid, or unpaid external structured learning experiences:
 - i. Are supervised by school personnel in accordance with N.J.A.C. 6A:9B-11.19 through 11.22; and
 - ii. Conform to Federal and State law.

6A:8-3.3 Enrollment in college courses

- (a) District boards of education, pursuant to N.J.S.A. 18A:61C-1, shall make reasonable efforts to increase the availability of college-level instruction for high school students through courses offered by institutions of higher education at their campuses and in high schools. The credits shall be accepted at all public New Jersey higher education institutions pursuant to N.J.S.A. 18A:61C-8.
- (b) District boards of education shall determine the eligibility of students to participate in college courses.
- (c) District boards of education and partner colleges shall ensure that college courses offered to high school students are:
 - 1. Equivalent to those offered to regularly admitted college students; and
 - 2. Accepted toward both college degree and high school graduation requirements.
- (d) District boards of education and partner colleges shall ensure that college courses for high school students are taught by college faculty with academic rank. Adjunct faculty and members of the district staff who have a minimum of a master's degree may also be included.

SUBCHAPTER 4. IMPLEMENTATION OF THE STATEWIDE ASSESSMENT SYSTEM

6A:8-4.1 Statewide assessment system

- (a) The Commissioner, in accordance with N.J.S.A. 18A:7C-1 et seq., and 18A:7E-2 and 3, may implement assessment of student achievement in the State's public schools in any grade(s) and by such assessments as he or she deems appropriate. The Commissioner shall report to the State Board the results of such assessments.
- (b) The Commissioner shall implement a system and related schedule of Statewide assessments to evaluate student achievement of the NJSLs.
 - 1. The Commissioner, with the approval of the State Board, shall define the scope and level of student performance on Statewide assessments that demonstrate thorough understanding of the knowledge and skills delineated by the NJSLs at grade levels three through 12.
 - 2. After consultation with the Commissioner, the State Board shall establish by resolution uniform Statewide criteria defining adequate school district progress toward meeting the NJSLs.
- (c) District boards of education shall, according to a schedule prescribed by the Commissioner, administer the applicable Statewide assessments, including the following major components: the elementary assessment component for grades three through five; the middle school assessment component for grades six through eight, the high school end-of-course PARCC assessments, and the alternative assessment for students with disabilities and provide notification to each student entering grades three through 12 of the Statewide assessment schedule.

1. The Department shall implement the elementary component of the Statewide assessment of the NJSLs consisting of the following:
 - i. Continued administration of mathematics and English language arts in grades three, four, and five, and of science in grade [four] **five**.
 2. The Department shall implement the middle school component of the Statewide assessment of the NJSLs consisting of the following:
 - i. Continued administration of mathematics and English language arts in grades six, seven, and eight, and of science in grade eight.
 3. The Department shall implement a high school assessment program component of the NJSLs that assesses, at a minimum, English language arts, mathematics, and science with the exception of the following:
 - i. Students may receive a waiver from the district board of education from taking the high school end-of-course PARCC assessment in ELA 11 due to the student's participation in another English language/literature college placement assessment during the same school year.
- (d) Pursuant to (b) and (c) above, all students at grade levels three through 12, and at any other grade(s) designated by the Commissioner pursuant to (a) above, shall take all appropriate Statewide assessments as scheduled.
1. District boards of education shall provide appropriate accommodations or modifications to the Statewide assessment system as specified by the Department for ELLs and students with disabilities as defined in N.J.A.C. 6A:14-1.3 or eligible under Section 504 of the Rehabilitation Act as determined by the IEP or 504 team.
 - i. District boards of education may administer the Statewide assessments in mathematics to ELLs in their native language, when available, and/or English.

- ii. District boards of education shall have the option for a first-year ELL of substituting a Department-approved language proficiency test only for the English language arts section of the elementary or middle school component of the Statewide assessment, when the student has entered the United States after July 1 of the calendar year prior to the test administration.
- 2. District boards of education shall ensure students with disabilities as defined in N.J.A.C. 6A:14-1.3 participate in Statewide assessments in accordance with N.J.A.C. 6A:14-4.10.
- 3. At specific times prescribed by the Commissioner, district boards of education shall administer the alternative assessment for students with disabilities to students with severe disabilities who cannot participate in other assessments due to the severity of their disabilities.
 - i. The Department shall implement the alternative assessment for students with disabilities according to the schedules in (c)1, 2, and 3 above.
 - ii. The alternative assessment for students with disabilities measures the progress of students who have been determined eligible for the alternative assessment for students with disabilities by the IEP team in accordance with N.J.A.C. 6A:14-4.10.
- 4. District boards of education shall implement alternative ways for students to demonstrate graduation proficiency in accordance with N.J.A.C. 6A:8-5.1(f).
- (e) District boards of education shall be responsible for ensuring the security of all components of the Statewide assessment system that are administered within the school district.

6A:8-4.2 Documentation of student achievement

- (a) After each test administration, the Department shall provide to chief school administrators the following:
 - 1. Rosters of student performance in each content area;
 - 2. Individual student reports; and
 - 3. School and school district summary data, including school and school district means, numbers tested, and percent achieving at each performance level. The school district summary data shall be aggregated and disaggregated, and school summary data shall be disaggregated, for students with disabilities as defined by N.J.A.C. 6A:14-1.3 and for ELLs.
- (b) District boards of education shall transmit within 10 business days any official records, including transcripts, of students who transfer to other school districts or institutions.
- (c) District boards of education shall maintain an accurate record of each student's performance on Statewide assessments.
- (d) District boards of education shall maintain for every student a ninth-grade-through-graduation transcript that contains the following, as available:
 - 1. Results of all applicable State assessments, including assessments that satisfy graduation requirements set forth at N.J.A.C. 6A:8-5.1(a)6;
 - 2. Results of any English language proficiency assessments according to N.J.A.C. 6A:8-5.1(h);
 - 3. Evidence of instructional experience and performance in the NJSLs;
 - 4. Evidence of technological literacy;
 - 5. Evidence of career education instructional experiences and career development activities;
 - 6. Evidence of State-issued occupational licenses and credentials, industry-recognized occupational credentials, and/or technical skill assessments for

students enrolled in Department-approved career and technical education programs pursuant to N.J.A.C. 6A:19-3.2; and

7. Any other information deemed appropriate by the district board of education.

6A:8-4.3 Accountability

- (a) Chief school administrators shall report preliminary and final results of annual assessments to district boards of education within 60 days of receipt of information from the Department.
- (b) District boards of education shall provide parents, students, and citizens with the results of annual assessments according to N.J.A.C. 6A:8-4.2.
- (c) District boards of education shall provide appropriate instruction to improve skills and knowledge for students performing below the established levels of student proficiency in any content area either on the Statewide or local assessments.
- (d) All students shall be expected to demonstrate the knowledge and skills of the NJSLs as measured by the Statewide assessment system.

6A:8-4.4 Annual review and evaluation of school districts

The Department shall review the performance of schools and school districts by using a percent of students performing at the proficient level as one measure of AMO and incorporating a progress criterion indicative of systemic reform. The review shall include the performance of all students, including students with disabilities as defined by N.J.A.C. 6A:14-1.3, students from major racial and ethnic groups, economically disadvantaged students, and ELLs. The review shall take place at each grade level in which Statewide assessments are administered, using the AMO targets.

6A:8-4.5 Public reporting

- (a) The Department shall report annually to the State Board and the public on the progress of all students and student subgroups in meeting the NJSLS as measured by the Statewide assessment system by publishing and distributing the Department's annual New Jersey School Report Card in accordance with N.J.S.A. 18A:7E-2 through 5.
- (b) After each test administration, the Department shall report to district boards of education on the performance of all students and of student subgroups.
- (c) The Department shall report performance on the APA with the same frequency and in the same detail as it reports on other Statewide assessments, including school and school district means, and the number and percentage of participating students.
- (d) In public reporting of school and district performance data, the Department shall not compromise the confidentiality of individual students.

SUBCHAPTER 5. IMPLEMENTATION OF GRADUATION REQUIREMENTS

6A:8-5.1 Graduation requirements

- (a) For a State-endorsed diploma, district boards of education shall develop, adopt, and implement local graduation requirements that prepare students for success in post-secondary degree programs, careers, and civic life in the 21st century, and that include the following:
 - 1. Participation in a local program of study of not fewer than 120 credits in courses designed to meet all of the NJSLS, including, but not limited to, the following credits:

- i. At least 20 credits in English language arts, aligned to grade nine through 12 standards, effective with the 2009-2010 grade nine class;
- ii. At least 15 credits in mathematics, including algebra I or the content equivalent effective with the 2008-2009 grade nine class; geometry or the content equivalent effective with the 2010-2011 grade nine class; and a third year of mathematics that builds on the concepts and skills of algebra and geometry and that prepares students for college and 21st century careers effective with the 2012-2013 grade nine class;
- iii. At least 15 credits in science, including at least five credits in laboratory biology/life science or the content equivalent effective with the 2008-2009 grade nine class; one additional laboratory/inquiry-based science course, which shall include chemistry, environmental science, or physics effective with 2010-2011 grade nine class; and one additional laboratory/inquiry-based science course effective with 2012-2013 grade nine class;
- iv. At least 15 credits in social studies, including satisfaction of N.J.S.A. 18A:35-1 and 2; five credits in world history; and the integration of civics, economics, geography and global content in all course offerings;
- v. At least 2.5 credits in financial, economic, business, and entrepreneurial literacy, effective with 2010-2011 grade nine class;
- vi. At least 3 $\frac{3}{4}$ credits in health, safety, and physical education during each year of enrollment, distributed as 150 minutes per week, as required by N.J.S.A. 18A:35-5, 7 and 8;
- vii. At least five credits in visual and performing arts;
- viii. At least five credits in world languages or student demonstration of proficiency as set forth in (a)2ii(2) below;

- ix. Technological literacy, consistent with the NJSLS, integrated throughout the curriculum; and
 - x. At least five credits in 21st century life and careers, or career-technical education;
2. The 120-credit requirement set forth in (a)1 above may be met in whole or in part through program completion of a range of experiences that enable students to pursue a variety of individualized learning opportunities, as follows:
- i. District boards of education shall establish a process to approve individualized student learning opportunities that meet or exceed the NJSLS.
 - (1) Individualized student learning opportunities in all NJSLS areas include, but are not limited to, the following:
 - (A) Independent study;
 - (B) Online learning;
 - (C) Study abroad programs;
 - (D) Student exchange programs; and
 - (E) Structured learning experiences, including, but not limited to, work-based programs, internships, apprenticeships, and service learning experiences.
 - (2) Individualized student learning opportunities based upon specific instructional objectives aimed at meeting or exceeding the NJSLS shall:
 - (A) Be based on student interest and career goals as reflected in the Personalized Student Learning Plans;
 - (B) Include demonstration of student competency;

- (C) Be certified for completion based on the district process adopted according to (a)2ii below; and
 - (D) Be on file in the school district and subject to review by the Commissioner or his or her designee.
 - (3) Group programs based upon specific instructional objectives aimed at meeting or exceeding the NJSLs shall be permitted under this section and shall be approved in the same manner as other approved courses.
- ii. District boards of education shall establish a process for granting of credits through successful completion of assessments that verify student achievement in meeting or exceeding the NJSLs at the high school level, including standards achieved by means of the individualized student learning opportunities enumerated at (a)2 above. Such programs or assessments may occur all or in part prior to a student's high school enrollment; no such locally administered assessments shall preclude or exempt student participation in applicable Statewide assessments at grades three through 12.
- (1) District boards of education shall choose assessments that are aligned with or exceed the NJSLs and may include locally designed assessments.
 - (2) District boards of education shall choose from among the following assessment options to determine if students have achieved the level of language proficiency designated as Novice-High as defined by the ACTFL and recognized as fulfilling the world languages requirement of the NJSLs:
 - (A) The STAMP online assessment;

- (B) The OPI or MOPI; or
 - (C) Department-approved locally designed competency-based assessments;
 - iii. District boards of education shall establish a process to approve post-secondary learning opportunities that may consist of Advanced Placement (AP) courses, CLEP, or concurrent/dual enrollment at accredited higher education institutions.
 - (1) District boards of education shall award credit for successful completion of an approved, accredited college course that assures achievement of knowledge and skills that meets or exceeds the NJSLS.
 - 3. Local student attendance requirements;
 - 4. Any other requirements established by the district board of education;
 - 5. Any statutorily mandated requirements for earning a high school diploma;
 - 6. The requirement that all students demonstrate proficiency in the high school end-of-course PARCC assessments in ELA 10 and Algebra I, or through the alternative means set forth at (f) through (i) below;
 - 7. Students graduating from an adult high school shall demonstrate proficiency in the high school end-of-course PARCC assessments in ELA 10 and Algebra I, or through the alternative means set forth at (f) through (i) below.
- (b) In the development of Personalized Student Learning Plans according to N.J.A.C. 6A:8-3.2(a), district boards of education shall actively encourage all students who have otherwise met the requirements for high school graduation according to (a)1 through 3 above, to include in their programs of study the following additional credits:
- 1. Five credits in mathematics during each year of enrollment, aimed at preparation for entrance into post-secondary programs or 21st century careers;

2. Five credits in a laboratory science during each year of enrollment, aimed at preparation for entrance into post-secondary programs or 21st century careers;
 3. Five credits in social studies during each year of enrollment, aimed at preparation for entrance into post-secondary programs or 21st century careers; and
 4. Five credits in world languages during each year of enrollment, aimed at preparation for entrance into post-secondary programs or 21st century careers.
- (c) Through the IEP process and pursuant to N.J.A.C. 6A:14-4.11, district boards of education may specify alternate requirements for a State-endorsed diploma for individual students with disabilities as defined in N.J.A.C. 6A:14-1.3.
1. District boards of education shall specifically address any alternate requirements for graduation in a student's IEP, in accordance with N.J.A.C. 6A:14-4.11.
 2. District boards of education shall develop and implement procedures for assessing whether a student has met the specified alternate requirements for graduation individually determined in an IEP.
- (d) District boards of education shall provide to the executive county superintendent their graduation requirements each year they are evaluated through QSAC and update the filed copy each time their graduation policies are revised.
- (e) District boards of education shall provide each student entering high school and his or her parents or legal guardians with a copy of the district board of education's requirements for a State-endorsed diploma and the programs available to assist students in attaining a State-endorsed diploma, in accordance with N.J.S.A. 18A:7C-5.
- (f) To ensure adequate transition to the new Statewide assessment system, district boards of education shall provide students who have not demonstrated proficiency on the high school end-of-course PARCC assessments in ELA 10 and Algebra I with the opportunity to demonstrate such competence through one of the alternative means set forth below:

1. For the graduating classes of 2016, 2017, 2018, and 2019, students who did not take both the ELA 10 and the Algebra I end-of-course PARCC assessment or who take, but do not achieve a passing score on both assessments, as required by (a)6 above, may satisfy the State requirement to demonstrate proficiency in English language arts and mathematics in one of the following ways:
 - i. Achieve a passing score, as determined by the Commissioner, on a corresponding substitute competency test in English language arts and/or mathematics, as applicable, or substitute a passing score on another end-of-course PARCC assessment, including ELA 9, ELA 11, Geometry, or Algebra II; or
 - ii. Meet the criteria of the portfolio appeals process; and
2. For the graduating class of 2020, students who take all applicable high school end-of-course PARCC assessments for all courses in which they are enrolled, including those students who received a waiver for ELA 11 pursuant to N.J.A.C. 6A:8-4.1(c)3i, as of September 6, 2016, and thereafter, but do not achieve a passing score on both the ELA 10 and Algebra I end-of-course PARCC assessments pursuant to (a)6 above, may satisfy the State requirement to demonstrate proficiency in English language arts and mathematics in one of the following ways:
 - i. Achieve a passing score, as determined by the Commissioner, on a corresponding substitute competency test in English language arts and/or mathematics, as applicable, or substitute a passing score on another end-of-course PARCC assessment, including ELA 9, ELA 11, Geometry, or Algebra II; or
 - ii. Meet the criteria of the portfolio appeals process.

- (g) Beginning with the graduating class of 2021, students who take all applicable high school end-of-course PARCC assessments for all courses in which they are enrolled, including those students who received a waiver for ELA 11 pursuant to N.J.A.C. 6A:8-4.1(c)3i, as of September 6, 2016, and thereafter, but do not achieve a passing score on both the ELA 10 and Algebra I end-of-course PARCC assessments pursuant to (a)6 above, by the conclusion of their senior year and after multiple opportunities to take the assessments, may satisfy the State requirement to demonstrate proficiency in English language arts and mathematics by meeting the criteria of the portfolio appeals process.
- (h) All ELLs shall satisfy the requirements for high school graduation, except ELLs may demonstrate they have attained State minimum levels of proficiency through passage of the portfolio appeals process in their native language, when available, and passage of a Department-approved English fluency assessment.
- (i) Students with disabilities as defined in N.J.A.C. 6A:14-1.3 or eligible under Section 504 of the Rehabilitation Act who participate in the alternative assessment for students with disabilities are not required to participate in repeated administrations of high school end-of-course PARCC assessments.

6A:8-5.2 High school diplomas

- (a) District boards of education shall award a State-endorsed high school diploma to prospective graduates who have met all of the requirements adopted in accordance with N.J.A.C. 6A:8-5.1(a) or (c), or (d) below.
- (b) District boards of education shall not issue a high school diploma to any student not meeting the criteria specified in the rule provisions referenced in (a) above.
 - 1. District boards of education shall provide students exiting grade 12 without a diploma the opportunity for continued high school enrollment to age 20 or until

the requirements for a State-endorsed diploma have been met, whichever comes first.

2. District boards of education shall allow any out-of-school individual to age 20 who has otherwise met all State and local graduation requirements but has failed to pass high school end-of-course PARCC assessments to demonstrate proficiency as set forth in N.J.A.C. 6A:8-5.1(f) pursuant to the standards applicable to the student's graduating class. Students in graduating classes prior to 2016 shall demonstrate proficiency as set forth in N.J.A.C. 6A:8-5.1(f)1. Upon certification of passing the test applicable to the student's class in accordance with this chapter, a State-endorsed diploma shall be granted by the high school of record.
- (c) Pursuant to N.J.A.C. 6A:20-1.4, the Commissioner shall award a State-issued high school diploma based on achieving the Statewide standard score on the General Education Development test (GED) or other adult education assessments to individuals age 16 or older who are no longer enrolled in school and have not achieved a high school credential.
- (d) The Commissioner shall award a State-issued high school diploma to individuals age 16 or older and no longer enrolled in high school based on official transcripts showing at least 30 general education credits leading to a degree at an accredited institution of higher education. Included in the 30 general education credits must be a minimum of 15 credits with at least three credits in each of the five general education categories as follows: English; mathematics; science; social science; and the humanities.
- (e) District boards of education shall award a State-endorsed high school diploma to any currently enrolled student, regardless of grade level, who:
 1. Has demonstrated proficiency in the high school end-of-course PARCC assessments in ELA 10 and Algebra I, or as set forth in N.J.A.C. 6A:8-5.1(f);

2. Has presented official transcripts showing at least 30 general education credits leading to a degree at an accredited institution of higher education; and
 3. Has formally requested such early award of a State-endorsed high school diploma.
- (f) Pursuant to N.J.S.A. 18A:7C-7 and 18A:7E-3, the chief school administrator or lead person of a charter school shall report annually to the district board of education or the charter school board of trustees at a public meeting not later than September 30, and to the Commissioner:
1. The total number of students graduated;
 2. The number of students graduated under the substitute competency test process;
 3. The number of students graduated under the portfolio appeals process;
 4. The number of students receiving State-endorsed high school diplomas as a result of meeting any alternate requirements for graduation as specified in their IEPs;
 5. The total number of students denied graduation from the 12th grade class; and
 6. The number of students denied graduation from the 12th grade class solely because of failure to pass the high school end-of-course PARCC assessments, substitute competency tests, or portfolio appeals process based on the provisions of this chapter.